

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

JOAQUÍN CARCAÑO, *et al.*,

*Plaintiffs,*

v.

PATRICK MCCRORY, in his official capacity as Governor of North Carolina, *et al.*,

*Defendants.*

Case No. 1:16-cv-00236

**UNC DEFENDANTS' SUPPLEMENTAL BRIEF ON THE SCOPE OF  
INJUNCTIVE RELIEF**

The Plaintiffs' position on the scope of available relief confirms that the UNC Defendants are not necessary parties to this case. The *Carcaño* Plaintiffs have taken the position that this Court has the authority to facially invalidate H.B. 2 across North Carolina, as well as to issue a statewide injunction against the Governor and all subsidiary agencies (like community colleges), *see* Dkt. 109, at pp. 10, 16 n.9, while the Department of Justice has recognized that Title IX claims could appropriately be brought against the State of North Carolina itself, Dkt. 107, at p. 3. The Plaintiffs' positions confirm that there is no practical reason (in addition to no legal one) to force the UNC Defendants to continue defending litigation over the permissibility of enforcing a law concerning bathroom usage that the UNC Defendants did not enact, have never enforced, and have never threatened to enforce.

Dated: August 12, 2016

/s/ Carolyn C. Pratt

Carolyn C. Pratt  
NC Bar No. 38438  
The University of North Carolina  
P.O. Box 2688  
Chapel Hill, NC 27515  
Tel: (919) 962-3406  
Fax: (919) 962-0477  
Email: ccpratt@northcarolina.edu

Respectfully submitted,

/s/ Noel J. Francisco

Noel J. Francisco  
Glen D. Nager  
John M. Gore  
James M. Burnham  
JONES DAY  
51 Louisiana Avenue NW  
Washington, DC 20001  
Tel: (202) 879-3939  
Fax: (202) 626-1700  
Email: njfrancisco@jonesday.com

## CERTIFICATE OF SERVICE

I certify that on August 12, 2016, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notice of electronic filing to all registered parties.

Dated: August 12, 2016

/s/ Noel J. Francisco

Noel J. Francisco  
JONES DAY  
51 Louisiana Avenue NW  
Washington, DC 20001  
Tel: (202) 879-3939  
Fax: (202) 626-1700  
Email: njfrancisco@jonesday.com

*Counsel for the University of North Carolina,  
the Board of Governors of the University of  
North Carolina, and W. Louis Bissette, Jr., in his  
Official Capacity as Chairman of the Board of  
Governors of the University of North Carolina*